

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHN WADE BURTON,

Defendant.

4:21CR3020

ORDER

This case was scheduled for trial beginning on December 12, 2022. However, Defendant's expert report has not yet been disclosed to the government.

Accordingly,

IT IS ORDERED:

1) The trial of this case is Defendant's trial, originally scheduled for December 12, 2022, was continued. The trial of this case is set to commence before the Honorable John M. Gerrard, United States District Judge, in Courtroom 1, United States Courthouse, Lincoln, Nebraska, at 9:00 a.m. on February 13, 2023, or as soon thereafter as the case may be called, for a duration of four (4) trial days. Jury selection will be held at commencement of trial.

2) The government's expert witness disclosures as required under Rule 16 must be served on or before December 29, 2022, with any defense Rule 16

expert disclosures served on or before January 19, 2023, and any rebuttal opinions disclosed on or before February 2, 2023.

3) The time between December 1, 2022 and February 2, 2023, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act because the parties require additional time to adequately prepare the case for trial, taking into consideration due diligence of counsel, the novelty and complexity of the case, and the fact that the failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B). Failing to timely object to this order as provided under the court's local rules will be deemed a waiver of any right to later claim the time should not have been excluded under the Speedy Trial Act.

Dated this 1st day of December, 2022.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge